IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 117 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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GULAMKADAR MOHIUDDIN

Versus

OIL & NATURAL GAS COMMISSION

Appearance:

1. Appeal from Order No. 117 of 1997

MR DN PANDYA for Petitioner No. 1-18

..... for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 19/09/2001

ORAL JUDGEMENT

1. Learned Counsel Shri Pandya had mentioned this matter in the morning at 11.00 a.m. and requested to keep it after one week on the ground that this matter was placed all of a sudden for admission. The request was not

granted because this is a matter of 1997 and Shri Pandya was asked to remain present as and when the matter is called out for hearing on admission. When it was called out at about 12.50 p.m. Shri Pandya was not present.

2. This Appeal is arising out of the impugned order dated 18.2.1993 passed by the learned 3rd Joint Civil Judge (S.D.), Bharuch below Application Ex.5 in Special Civil Suit No.206 of 1992 whereby the learned Judge rejected the Application.

3. It may be stated that earlier this impugned order was challenged by the appellant by way of filing Civil Revision Application No.366 of 1996 which was later on converted into Appeal from Order and accordingly it is numbered as Appeal from Order No.117 of 1997. Thereafter, for all this period the matter could not be heard for admission.

4. The very fact that more than 8 years have passed after passing of the impugned order by the learned Judge, itself is sufficient to dismiss this Appeal without going into the merit of this case. The Suit is of 1992 which is old one. Therefore, the interest of justice would be served by directing the trial Court to dispose of the main Special Civil Suit No.206 of 1992 as early as possible if the same is not decided so far.

5. Accordingly, this Appeal is disposed of without going into the legality and validity of the impugned order dated 18.2.1993 passed by the learned Judge with a direction to the learned Judge to dispose of the Special Civil Suit No.206 of 1992 as early as possible, preferably by 30th September 2002, if the same is not so far disposed of. The parties shall fully cooperate with the hearing of the Suit.

This Appeal is disposed of with above observation and direction.

sd/-

Date : September 19, 2001 (B.J.Shethna, J.)

sas